

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Crl. Misc. No. 3349-M of 2007

DATE OF DECISION : 16.03.2007

Mangal Singh

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Jai Vir Yadav, Advocate,
for the petitioner.

Mr. S.S. Mor, Senior DAG, Haryana.

Petitioner Mangal Singh, apprehending his arrest in a non-bailable offence in case FIR No. 101 dated 26.4.2006 under Sections 419, 420, 467, 468, 471, 120-B IPC, registered at Police Station Mahendergarh, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

On January 19, 2007, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 4.12.2006, passed by Additional Sessions Judge, Narnaul, whereby bail application of the petitioner has been dismissed.

Counsel for the petitioner contends that the aforesaid FIR has been got registered by complainant Sumer Singh on the allegation that the sale deed alleged to have been executed by him and his brother Rajesh Kumar and sisters Savita and Santo on 16.4.1990, is a forged document and they never executed this sale deed in favour of petitioner Mangal Singh and his brother Rama Nand. He further contends that the allegations are totally

false and a valid sale deed executed in the year 1990 and after 16 years of the said sale deed, a complaint was made on the basis of which the aforesaid FIR has been registered. Counsel for the petitioner further contends that during the course of investigation, thumb impressions of complainant Sumer Singh, his brother Rakesh Kumar and sisters were compared and as per the report of the Forensic Science Laboratory, those thumb impressions tallied with the specimen thumb impressions given by them. As per the report, signatures of the complainant could not be compared. The trial court has declined anticipatory bail to the petitioner on the ground that the original sale deed is to be recovered. In this regard, counsel submits that the sale deed is a registered document and copy of the same is available in the office of Sub Registrar, from where comparison has already been made by the investigating agency.

Counsel for the petitioner further states that in terms of the interim order dated January 19, 2007, the petitioner has joined the investigation. The State counsel, after having instructions from Nihal Singh HC, does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated January 19, 2007, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

March 16, 2007
ndj

(SATISH KUMAR MITTAL)
JUDGE